

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 19th, 2005
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UNAPPROVED

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE-CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: JOA PENZIEN
CHARLES OLIVER
ARNOLD THOEL
DEBORAH ZOLNOSKI

ABSENT: NONE

ALSO PRESENT: Jack Dailey, Community Planning Consultant
Lawrence Dloski, Township Attorney
(Additional attendance on file with Clerk)

Call Meeting to Order

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the roll. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by AUSILIO seconded by KOEHS to approve the agenda as submitted.

MOTION carried.

3. Approval of the previous April 5, 2005 previous Meeting Minutes

MOTION by THOEL seconded by AUSILIO to approve the April 5, 2005 previous Meeting Minutes.

MOTION carried.

4. **CONSENT AGENDA ITEMS:**

- A. **Approve Extension of Time; Site Plan; Rainbow Child Center; (*Site Plan expires April 20, 2005*);** Located on the south side of 24 Mile Road and approximately 300 feet west of Garfield Road; Patrick Fenton, Petitioner. Permanent Parcel No. 08-18-200-023.
- B. **Approve Extension of Time; Site Plan; Park Lane Plaza; (*Site Plan expires June 1, 2005*);** Located on the northeast corner of North Avenue and 21 Mile Road; Nicholas Lubnik, Petitioner. Permanent Parcel No. 08-25-351-011

MOTION by AUSILIO seconded by PENZIEN to approve the Consent Agenda Items as submitted granting the extensions for one year for the Site Plan; Rainbow Child Center to expire April 20, 2006 Permanent Parcel No. 08-18-200-023 and the Site Plan; Park Lane Plaza to expire June 1, 2006 Permanent Parcel No. 08-25-351-011.

MOTION carried.

AGENDA ITEMS:

- 5. **Rezoning Request; Agricultural (AG) to Office Low Rise (O-1);** Located on the north side of 23 Mile Road, ¼ mile west of Card Road; Lazo & Rusa Krstovski, Petitioners. Permanent Parcel No. 08-15-476-003.

Larry Dloski, Township Attorney, reviewed the rezoning proposal. Mr. Dloski informed the Planning Commission that the rezoning request can be recommended for approval to the Township Board of Trustees pursuant to law of the State of Michigan (PA 577 of 2004)

Jerome R. Schmeiser, Community Planning Consultant

Petitioner Present: John Cavaliere

Public Portion: None

MOTION by KOEHS seconded by ZOLNOSKI to forward the recommendation to the Township Board of Trustees to approve the rezoning request from Agricultural (AG) to Office Low Rise (O-1); conditioned on executive agreements to be drafted by the Township Attorney stating that the existing structure on said parcel will be removed within one year of acquiring property. If the structure(s) are not removed

within one, the zoning of the parcel will revert back to the Agricultural (AG) Zone. This motion is pursuant to the Michigan State Law (PA 577 of 2004). Permanent Parcel No. 08-15-476-003. This motion is based on the Planning Consultants recommendations as follows:

It is recommended that the rezoning of the property be approved since the proposed rezoning is consistent with the development pattern and proposals for the surrounding properties to the east and west.

MOTION carried.

6. **Revised Site Plan; Victory Nissan; Located on the north side of Hall Road approximately 946.95 feet west of Fairchild Road. Jeffrey Cappel Properties LLC, Petitioner. Permanent Parcel No. 08-36-377-001**

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Gary Laundroche and Al Bloom

Public Portion: Township residents addressed their concerns regarding site illumination and landscape plans.

MOTION by OLIVER seconded by AUSILIO to approve the Revised Site Plan; Victory Nissan; Permanent Parcel No. 08-36-377-001. This motion is based on fulfilling the standard conditions of the Planning Consultants as follows:

1. **The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
2. **The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
3. **The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are**

- permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
 5. Sidewalks to be provided to the satisfaction of the Township Engineer.
 6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
 7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
 8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount to be approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
 9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
 10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
 11. That all signs be designated on the site plan and meet the Township requirements.

12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones the outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not

being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.

22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no light or glare from lights will shine into the abutting residential areas.
24. That the signs are not part of this approval.
25. Although the site plan meets the requirements of the zoning ordinance with respect to setbacks have been met, the consultant feels that the petitioner should be apprised of the fact that any noise emitted from the proposed dealership must not be of such a nature that will be a disturbance to any abutting residential properties. This would include noise from within the building emitted through the vehicle doors, horns, tires, or engines from within or outside the building.
26. There shall be no outdoor speaker units anywhere on the site. Any indoor speakers units shall be set up so that sound from said speakers is contained within the building (s) on site. Any sound from indoor speakers including announcements, music or paging shall not carry beyond 100' radius of the building.
27. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next

approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

Based on the approval granted by the Township Planning Commission on April 19, 2005, your final engineering plans may be submitted to the Township Water and Sewer Department.

Upon receipt of the following the Building Department and Water/Sewer Department will be notified that construction and building permits may be issued:

- **Notification from the Township Consulting Engineer that the engineering plans have been approved.**
- **That the required bond as indicated in item no. 8 above has been posted. (posted April 6, 2005)**

It is further noted that discussion occurred during the meeting that you will utilize all trees long the north/east property lines that are approved by the developers landscape architect

A site plan approval shall be valid for one year after the date of approval. If a valid building permit has not been obtained and construction started within one (1) year from the Planning Commission approval of April 19, 2005, the approval becomes null and void unless renewed or extended by a specific Planning Commission action. If approval is not extended before April 19, 2006, then a new application and a new approval shall be required before a building permit may be issued.

MOTION carried.

7. **Site Plan; Strathmore Condominiums Sales Trailer;** Located on the east side of Luchtman Road 1,100 feet south of 26 Mile Road. Pulte Land Company, Petitioner. Permanent Parcel No. 08-04-100-029

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Kevin Christiansen

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to approve the Site Plan; Strathmore Condominiums Sales Trailer and forward the recommendation to the Township Board of Trustees to approve the use of the Sales Trailer. This motion is based on fulfilling the standard conditions of the Planning Consultants as follow:

- 1. The parking area shall be properly graded and drained to the satisfaction of the Township Engineer. The use of gravel material must be approved by the Township Board. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**
- 4. The curb radii, curb cuts, including their location, and the use of gravel material in the approach area and other geometrics and designs, are subject to approval by the County Road Commission.**
- 5. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
- 6. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be restored to the state as approved in the site plan for the permanent structures and sign within one (1) year in accordance with the plan and elevations. If not restored within one year from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the one year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.**

7. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
8. That all signs be designated on the site plan and meet the Township requirements.
9. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain Office.
10. That all requirements of the Zoning Ordinance be met.
11. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
12. The Township Board must approve the land division variance relating to the infrastructure for Phase I of Strathmore. If the Township Board rejects land division variance, the file may not be released to the Building Departments until the Township Engineer is satisfied that all required improvements have been completed for Phase 1.
13. That the use of the temporary sales trailer and the temporary sign shall be limited to one year from the date of this approval, after which time to be eliminated, or approval extended by an action of the Planning Commission.
14. At the conclusion of the use of the trailer and sign, the site must be restored in accordance with the overall site plan as approved by the Planning Commission.
15. That the petitioner file for and receive approval from the Township Board for the use of the trailer.

This approval relates to a revised site plan (stamped received by the Clerk's Office on April 19, 2005) showing the proposed sales trailer located on proposed lots 8 and 9 of the Strathmore Site Condominium development. The use of the Sales Trailer will be considered by the Township Board of Trustees on April 27, 2005.

MOTION carried.

8. **Site Plan & Ground Sign; Jaguar, Land Rover & Saab of Lakside; Located on the north side of M-59 east of Romeo Plank Road. Aristeo Construction Company, Petitioner. Permanent Parcel Nos. 08-33-352-032, 08-33-352-034, 08-33-353-003 & 08-33-353-004**

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Laura McElheron and Nabeel Naoum

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to approve the Site Plan & Ground Sign; Jaguar, Land Rover & Saab of Lakeside; pursuant to the Members of the Planning Commission receiving copies of review and comments from the MDEQ, FEMA and Township Engineers approving the development of this site. Permanent Parcel Nos. 08-33-352-032, 08-33-352-034, 08-33-353-003 & 08-33-353-004. This motion is based on fulfilling the standard conditions of the Planning Consultants as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or

- casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
 8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
 9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
 10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
 11. That all signs be designated on the site plan and meet the Township requirements.
 12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
 13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
 14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a

- masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
 16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
 17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
 18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
 19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
 20. That all requirements of the Zoning Ordinance be met.
 21. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
 22. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
 23. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is

also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

24. That the Fire Department approve the use of the security gates.

25. That all notations regarding seeding be replaced with sod.

Based on the approval granted by the Township Planning Commission on April 19, 2005, your final engineering plans may be submitted to the Township Water and Sewer Department.

Upon receipt of the following the Building Department and Water/Sewer Department will be notified that construction and building permits may be issued:

- Notification from the Township Consulting Engineer that the engineering plans have been approved.
- That the required bond as indicated in item no. 8 above has been posted.
- That revisions be made to the drawings as noted in item 25

A site plan approval shall be valid for one year after the date of approval. If a valid building permit has not been obtained and construction started within one (1) year from the Planning Commission approval of April 19, 2005, the approval becomes null and void unless renewed or extended by a specific Planning Commission action. If approval is not extended before April 19, 2006, then a new application and a new approval shall be required before a building permit may be issued.

FOR THIS MOTION: AUSILIO, PENZIEN, OLIVER, KOEHS

OPPOSED: ZOLNOSKI, THOEL, GALLAGHER

ABSENT: NONE

MOTION carried.

PLANNING CONSULTANTS COMMENTS: None

PLANNING COMMISSION COMMENTS: None

9. Motion to receive and file all correspondence in connection with this agenda.

ADJOURNMENT:

MOTION by PENZIEN seconded by AUSILIO to adjourn the meeting at 8:20 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb